

Appendix A  
Proposed Rule 445 (Wood Burning Appliances)

***Note to Reader:*** *The text of Proposed Rule 445 below is in strike-out/underline format and reflects changes made to staff's proposal since the January 31, 2007 Public Workshop.*

(PR 445 March 13, 2007)

**PROPOSED RULE 445. WOOD BURNING APPLIANCES**

(a) Purpose

The purpose of this rule is to reduce the emission of particulate matter from wood burning appliances.

(b) Applicability

The provisions of this rule shall apply to any person that manufactures, sells, offers for sale, or operates a permanently installed, indoor or outdoor, wood burning appliance or portable outdoor wood burning appliance; ~~any person that sells, offers for sale, or supplies wood for wood burning appliances;~~ and any person that installs a wood burning appliance within the South Coast Air Quality Management District.

(c) Definitions

- (1) CONTRIBUTING STRUCTURE means those buildings which are examples of the predominant styles of the area, built during the time period when the bulk of the structures were built in the Historic Preservation Overlay Zone
- (2) COMMERCIAL FIREWOOD FACILITY means any operation that sells, or offers for sale bulk firewood.
- ~~(3) COMMERCIAL OPERATION means any non-residential operation including, but not limited to, hotels, restaurants, and lodges.~~
- (3 4) COOKSTOVE means any wood-fired appliance used primarily for cooking food as described in Title 40 of the Code of Federal Regulations Section 60.531.
- (4) DEDICATED GASEOUS-FUELED FIREPLACE means a fireplace, including, but not limited to, a gas log fireplace, either constructed on-site, or factory built, fueled exclusively with a gaseous fuel such that the burner

pan and associated equipment are affixed to the masonry or metal base of the fireplace.

- (5) FIREPLACE means any permanently installed masonry or factory-built device designed to operate with an air-to-fuel ratio greater than or equal to 35-to-1, a burn rate over 11 pounds (five kilograms) per hour, or a weight over 1,760 pounds (800 kilograms).
- ~~(6) GASEOUS FUELED RESIDENTIAL HEARTH APPLIANCE means an appliance that is fueled exclusively with a gaseous fuel and certified to meet any of the applicable standards as set forth by the American National Standards Institute.~~
- (6) LOW EMISSION FIREPLACE means a wood burning fireplace that meets the criteria established by the U.S. EPA as part of the Voluntary Low Emission Fireplace program.
- (7) MASONRY HEATER means any permanently installed device that meets the definition of a masonry heater in ASTM E 1602-03.
- (8) PELLET-FUELED WOOD BURNING HEATER means any wood burning heater that is operated on any pellet-fuel, and is either U.S. EPA Phase II-certified or exempted under U.S. EPA requirements set forth in Title 40 Code of Federal Regulations, Part 60, Subpart AAA.
- (9) PERMANENTLY INOPERABLE means an appliance modified in such a manner that the device can no longer operate as a wood burning appliance.
- (10) PERMANENTLY INSTALLED means an appliance built or installed in such a manner that the appliance is attached to the ground, floor, or wall, and is not readily moveable. A free standing stove that is attached to an exhaust system that is built into or through a wall is considered permanently installed.
- ~~(11) PORTABLE OUTDOOR WOOD BURNING APPLIANCE means any portable outdoor device burning any solid fuel for aesthetic or space heating purposes including, but not limited to, fireplaces, burn bowls, and chimineas located on property zoned for residential uses.~~
- ~~(12) SEASONED WOOD means wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture content by weight as determined by ASTM Test Method D 4442-92 or an alternative method approved by the Executive Officer.~~

- (11 ~~3~~) TREATED WOOD means wood of any species that has been chemically impregnated, painted, coated or similarly modified to improve resistance to insects or weathering.
- (12 ~~4~~) U.S. EPA PHASE II-CERTIFIED WOOD BURNING HEATER means any appliance certified by the U.S. EPA to meet the performance and emission standards as set forth in Title 40 Code of Federal Regulations, Part 60, Subpart AAA.
- (13 ~~5~~) WOOD BURNING APPLIANCE means any fireplace, wood burning heater, or pellet fueled wood heater, or any similarly enclosed, permanently installed, indoor or outdoor device burning any solid fuel for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour (Btu/hr).
- (14 ~~6~~) WOOD BURNING HEATER means an enclosed, wood burning appliance capable of, and intended for, space heating that meets all the criteria described in Title 40 Code of Federal Regulations Section 60.531 including, but not limited to, wood stoves and wood burning fireplace inserts.

(d) Requirements

- (1) Effective (~~twelve~~ ~~six months following rule adoption~~), no person shall sell, offer for sale, supply, or install, a new wood burning appliance or gaseous-fueled hearth appliance unless it meets one of the following criteria:
- (A) A U.S. EPA Phase II-Certified wood burning heater;
  - (B) A pellet-fueled wood burning heater;
  - (C) A masonry heater; or
  - (D) A low emission fireplace ~~wood burning appliance or fireplace determined to meet the U.S. EPA particulate matter emission standard established by Title 40 Code of Federal Regulations, Part 60, Subpart AAA, and approved in writing by the Executive Officer; or~~
  - (E) A dedicated gaseous-fueled fireplace.
- (2) No person shall remove the operating system of a dedicated gaseous-fueled fireplace installed after the effective date of paragraph (d)(1) except for maintenance activities or system replacements.

- ~~(2) No person shall advertise, sell or offer for sale, a housing unit constructed after January 1, 2008 with more than one wood burning appliance that meets the criteria of paragraph (d)(1).~~
- (3) No person shall advertise, sell or offer for sale, supply, install, or transfer a used wood burning appliance unless it meets the criteria of paragraph (d)(1) or has been rendered permanently inoperable ~~inoperative~~.
- (4) No person shall install or operate any wood burning appliance unless it is installed and operated in accordance with the manufacturer's specifications.
- ~~(5) No person shall advertise, sell or offer for sale, supply, or transfer any wood which is advertised, described, or in any way represented to be seasoned wood unless the wood has a moisture content of 20 percent or less by weight as determined by ASTM Test Method D 4442-92. The Executive Officer may delegate to another person or agency the authority to test wood for moisture content.~~
- (5) (6) No person shall cause or allow any of the following materials to be burned in a wood burning appliance:
- (A) Garbage (including glossy or colored paper);
  - (B) Treated wood;
  - (C) Particle board;
  - (D) Plastic products;
  - (D) Rubber products;
  - (E) Waste petroleum products;
  - (F) Paints, coatings and solvents;
  - (G) Coal; or
  - (H) Any other product not intended by a manufacturer for use as fuel in a wood burning appliance.
- ~~(7) Effective January 1, 2010, no commercial operation shall operate a wood burning appliance or a unless it meets one of the following criteria:~~
- ~~(A) U.S. EPA Phase II certified; or~~
  - ~~(B) A pellet fueled wood burning heater; or~~
  - ~~(C) A masonry heater; or~~
  - ~~(D) A wood burning appliance or fireplace determined to meet U.S. EPA particulate matter emission standard established by Title 40 Code of Federal Regulations, Part 60, Subpart AAA, and approved in writing by the Executive Officer.~~

~~(8) Effective (six months following rule adoption), no person shall operate an indoor or outdoor wood burning appliance or portable outdoor wood burning appliance on the day for which a no burn day is declared in accordance with South Coast Air Quality Management District Rule 444.~~

(6 9) Effective January 1, 2012, no person shall sell or transfer any real property that contains a wood burning heater in any area that has annual average PM2.5 concentrations above 20 micrograms per cubic meter, as determined by the Executive Officer, without first assuring that each wood burning heater included in the real property is:

(A) U.S. EPA Phase II-certified; or

(B) A pellet-fueled wood burning heater; or

(C) A masonry heater; or

(D) Removed or rendered permanently inoperable.

No later than January 1, 2011, the The Executive Officer shall issue provide a definition of those areas subject to this prohibition for approval at a public hearing before the Governing Board no later than its January 2011 meeting.

(e) Public Awareness Information

(1) Effective (six months following rule adoption), no person shall sell a new wood burning appliance unless public awareness information is distributed in the form of pamphlets, brochures, or fact sheets that includes the following information:

(A) Proper installation, operation, and maintenance of a wood burning appliance in accordance with manufacturer specifications;

(B) Proper fuel selection and use.

(2) Effective (six months following rule adoption), the seller of a new wood burning appliance shall be required to provide information, as prepared by the Executive Officer, regarding implementation of this rule including, but not limited to, a voluntary wood burning curtailment program on wood burning curtailments, pursuant to paragraph (d)(8), and the potential health effects of wood smoke.

(3) Effective (six months following rule adoption), no commercial firewood facility shall sell or offer for sale firewood unless public awareness information, as prepared by the Executive Officer, regarding implementation of this rule including, but not limited to, a voluntary wood

~~burning curtailment program on wood burning curtailments, pursuant to paragraph (d)(8),~~ and the potential health effects of wood smoke is distributed.

(f) Exemptions

(1) The provisions of this rule shall not apply to cookstoves.:

~~(A) Any gaseous fueled residential hearth appliance.~~

~~(B) Cookstoves.~~

~~(2)~~ (3) The provisions of paragraph (d)~~(6)~~ (9) shall not apply to properties that are registered as a historical site, or are contributing structures located in a Historic Preservation Overlay Zone, as determined by the applicable, federal, State, or local agency.

~~(2) The provisions of paragraph (d)(8) shall not apply to wood burning appliances operated 3,000 feet or more above mean sea level.~~